

SENATE BILL No. 395

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-5; IC 9-24-8-4; IC 9-29-9-12; IC 20-10.1-7-14.

Synopsis: Motorcycle operational skills test and waiver. Revises the definition of approved motorcycle driver education and training course to specify that a course offered by a motorcycle dealer must meet certain standards. Requires the bureau of motor vehicles to establish a free waiver procedure from the motorcycle license operational skills test for a graduate of an approved motorcycle driver education and training course. Provides that the department of education may enter into contracts with motorcycle dealers for motorcycle operator safety education courses.

Effective: Upon passage.

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January 12, 2004, read first time and referred to Committee on Transportation and Homeland Security.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 395

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 5. "Approved motorcycle driver
3 education and training course" means:

4 (1) a course offered by a public or private secondary school or
5 other driver education school offering motorcycle driver training
6 as developed and approved by the superintendent of public
7 instruction and the bureau; or

8 (2) a course that is offered by a:

9 (A) commercial driving school; or

10 (B) new motorcycle dealer **that meets standards that are**
11 **equivalent to or more stringent than those established by**
12 **the Motorcycle Safety Foundation for a course of**
13 **instruction in motorcycle safety and education; and**

14 that is approved by the bureau.

15 SECTION 2. IC 9-24-8-4 IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in
17 subsections (c) and (d), the bureau shall:



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- (1) issue a motorcycle operator's license; or
- (2) validate an operator's, a chauffeur's, or a public passenger chauffeur's license for motorcycle operation upon a highway by endorsement;

to a person who meets the conditions in subsection (b).

(b) A person must meet at least one (1) of the following conditions to obtain a license or validation under subsection (a):

- (1) Satisfactorily complete an approved motorcycle driver education and training course, **receive a waiver from the operational skills test as set forth in subdivision (e)**, and pass the written test required by this section.
- (2) Satisfactorily complete the written test, hold a motorcycle learner's permit for at least thirty (30) days, and satisfactorily complete the operational test.
- (3) Hold a current motorcycle operator endorsement or license from any other jurisdiction and successfully complete the written test.

(c) The bureau may not issue a motorcycle operator's license to an individual less than sixteen (16) years and thirty (30) days of age.

(d) If an applicant for a motorcycle license or license endorsement is less than eighteen (18) years of age, the bureau may not issue a license or validate a license described in subsection (a)(2) if the applicant is ineligible under IC 9-24-2-1.

(e) The bureau shall develop and implement both a written test and an operational skills test that must be designed to determine whether an applicant for a motorcycle operator's license or endorsement is competent to operate a motorcycle upon a highway. **The bureau shall adopt rules under IC 4-22-2 to establish a waiver procedure from the operational skills test for a graduate of an approved motorcycle driver education and training course. The waiver procedure must authorize the instructor or owner of the dealership offering the approved motorcycle driver education and training course to certify the competency of the graduate to operate a motorcycle.** The written test must be made available at license branch locations approved by the bureau. The operational skills test must be given at locations designated by the bureau ~~The operational skills test must be given~~ by a certified motorcycle operational examiner. An individual applying for a motorcycle operator's license or endorsement must pass the operational skills test **or receive a waiver from the bureau** before taking the written exam. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions

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as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning motorcycle operator licensing or endorsement.

(f) An individual who:

(1) has held a motorcycle learner's permit for at least two (2) months; or

(2) holds a temporary motorcycle learner's permit, has successfully completed an approved motorcycle driver education and training course, and possesses a valid operator's, chauffeur's, or public passenger chauffeur's license;

may apply for a motorcycle operator's license endorsement not later than the expiration date of the holder's permit. However, not more than three (3) examinations may be allowed a holder during the period the permit is valid. A holder of a learner's permit or a temporary learner's permit who does not pass the written and operating skills examination during the period for which the permit is valid must obtain a new learner's permit.

SECTION 3. IC 9-29-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The fee for a motorcycle operational skills test administered under IC 9-24-8 is five dollars (\$5).

(b) The fees collected for motorcycle operational skills tests shall be distributed as follows:

(1) For tests given by state employees, to the motor vehicle highway account under IC 8-14-1.

(2) For tests given by a certified motorcycle operational examiner who is not a state employee, to the examiner.

(c) There is no fee for the waiver procedure from the motorcycle operational skills test under IC 9-24-8-4.

SECTION 4. IC 20-10.1-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) As used in this section:

"Certified chief instructor" means a licensed motorcycle operator who meets standards established by the department that are equivalent to or more stringent than those established by the Motorcycle Safety Foundation for instructors in motorcycle safety and education.

"Dealer" has the meaning set forth in IC 9-13-2-42.

"Department" refers to the department of education.

"Director" refers to the superintendent of the department of public instruction.

"Fund" refers to the motorcycle operator safety education fund

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created under subsection (f).

"Program" means the motorcycle operator safety education program.

"Program coordinator" refers to the coordinator of the motorcycle operator safety education program.

"Training course" means an approved motorcycle rider education course that meets standards established by the department that are equivalent to or more stringent than those established by the Motorcycle Safety Foundation for courses of instruction in motorcycle safety and education.

"Training specialist" means the training specialist of the motorcycle operator safety education program.

(b) The department shall develop and administer a program that, as a minimum, must:

- (1) provide motorcycle rider education;
- (2) provide instructor training;
- (3) increase public awareness of motorcycle safety; and
- (4) evaluate and recommend improvements to the motorcycle rider licensing system.

(c) The director shall appoint:

- (1) a program coordinator who shall administer the program and conduct an annual evaluation; and
- (2) a training specialist who shall:
 - (A) establish training courses throughout the state;
 - (B) set program and funding guidelines; and
 - (C) supervise instructors and other personnel as necessary.

The training specialist must be a certified chief instructor and hold a valid license to operate a motorcycle.

(d) The department may enter into contracts with regional training centers or any other sites approved by the director, **which may include a motorcycle dealer**, for the conduct of motorcycle operator safety education courses. If necessary, course sites may charge a reasonable tuition fee for the courses.

(e) The director shall appoint a five (5) member advisory committee consisting of at least three (3) active motorcyclists to serve in an advisory capacity to the program.

(f) The motorcycle operator safety education fund is established. The fund consists of money received from motorcycle registrations as provided under IC 9-29. The money in the fund is appropriated to the department for the administration of the program and expenses related to the program, including:

- (1) reimbursement for course sites;
- (2) instructor training;

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(3) purchase of equipment and course materials; and

(4) technical assistance.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a)

Notwithstanding IC 9-24-8-4, as amended by this act, the bureau of motor vehicles shall carry out the duties imposed on it under IC 9-24-8-4, as amended by this act, under interim written guidelines approved by the commissioner of motor vehicles.

(b) This SECTION expires the earlier of the following:

(1) The date rules are adopted under IC 9-24-8-4, as amended by this act.

(2) December 31, 2005.

SECTION 6. An emergency is declared for this act.

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